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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

New York, N.Y.

4 v.

14 Cr. 272 (JSR)

5 PAUL ROBSON,

6 Defendant.

7 -----x

8 November 14, 2016
9 2:10 p.m.

10 Before:

11 HON. JED S. RAKOFF,

12 District Judge

13
14 APPEARANCES

15 PREET BHARARA

16 United States Attorney for the
Southern District of New York

17 BY: CAROL SIPPERLY

BRIAN YOUNG

18 MICHAEL KOENIG

Assistant United States Attorneys

19
20
21 BROWN RUDNICK

Attorneys for Defendant

22 BY: JUSTIN S. WEDDLE

JULIA I. CATANIA

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1 (Case called)

2 MS. SIPPERLY: Good afternoon, your Honor. Carol
3 Sipperly for the government, with colleagues Brian Young and
4 Michael Koenig.

5 THE COURT: Good afternoon.

6 MR. WEDDLE: Good afternoon, your Honor. Justin
7 Weddle, for defendant Paul Robson, who is sitting just to my
8 right; and with me today is at counsel table is Julia Catania.

9 THE COURT: Good afternoon.

10 So the total offense level is 22. The Criminal
11 History Category is I. The guidelines range is, therefore, 41
12 to 51 months. But the government has indicated that it wishes
13 to move for a downward departure and a nonguidelines sentence
14 pursuant to the defendant's cooperation, is that correct?

15 MS. SIPPERLY: That's correct, your Honor.

16 THE COURT: So the crime of which Mr. Robson was a
17 part was an egregious fraud committed by numerous people in one
18 form or another throughout the world, and the government of the
19 United States and the government of Great Britain and other
20 governments are to be commended on the assiduousness with which
21 they have prosecuted this fraud.

22 I have given to the defendants so far before me modest
23 sentences, but that in no way was a reflection of the level of
24 the crime, which was substantial but, rather, a reflection of
25 the various individual circumstances relating to them.

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1 But no crime of this kind can be successfully
2 prosecuted without cooperation. Mr. Robson's cooperation was
3 not only substantial, it was, in the court's view, highly
4 credible and highly valuable; and, therefore, it seems to me
5 more or less self-evident that he should not serve any prison
6 time, given the other sentences that were imposed.

7 Now, of course, Mr. Weddle, you can still talk me out
8 of this by giving a lengthy recitation, but I leave that choice
9 totally to you.

10 MR. WEDDLE: I have nothing to add, your Honor. Thank
11 you.

12 THE COURT: Anything from the government?

13 MS. SIPPERLY: No, your Honor.

14 THE COURT: Anything from the defendant?

15 THE DEFENDANT: Yes.

16 MS. SIPPERLY: Oh, if I -- I am being reminded that we
17 would be seeking a condition of supervision with respect to
18 cooperation, and I'm not --

19 THE COURT: Yes, and I am going to grant that. And
20 also just remind me, so that I know whether to impose either
21 probation or time served, was there any time that Mr. Robson
22 was under the custody of the United States?

23 MS. SIPPERLY: We confirmed with probation that his
24 surrender could be considered the one day so that he could have
25 time served with supervised release, because probation would be

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1 permitted because it is a class B felony.

2 THE COURT: All right. Go ahead.

3 THE DEFENDANT: Your Honor, I wish to apologize
4 sincerely for my conduct back in my time at Rabobank. I knew
5 that it was wrong, and I knew that I was affecting people who
6 were innocently entering into the transaction that I was
7 manipulating with my colleagues. I am very sorry for the harm
8 I have caused them, and I am sorry for the pain and anguish
9 that I have caused my wife and my family as well.

10 Thank you, sir.

11 THE COURT: Thank you.

12 So the sentence of the court is as follows:

13 The defendant is sentenced to time served.

14 No fine will be imposed because the court makes a
15 finding that this defendant is not in a position to pay any
16 meaningful fine now or in the foreseeable future.

17 There is, however, a \$100 special assessment.

18 Two years of supervised release will be imposed with
19 the following mandatory conditions:

20 That the defendant not commit any other federal,
21 state, or local crime;

22 That the defendant not illegally possess a controlled
23 substance;

24 That the defendant not possess a firearm or
25 destructive device; and

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1 That defendant shall cooperate in the collection of
2 DNA.

3 The fifth mandatory condition, the drug testing
4 condition, is suspended based on the court's determination that
5 the defendant poses a low risk of future substance abuse.

6 There will also be imposed the standard conditions 1
7 through 13, which appear on the face of the judgment; and,
8 under the situation, there may not be any need to report to
9 probation, so I will leave it to defense counsel to go over
10 those conditions with the defendant once the judgment is
11 entered in a few days.

12 But there will be imposed one special condition, which
13 is, that the defendant continue to abide by all the terms of
14 his cooperation agreement with the government.

15 In terms of reporting to the probation office, I think
16 defense counsel needs to check whether that is necessary in
17 this situation. It may be initially, once, necessary, in which
18 case he should report to the probation office here in the
19 Southern District of New York. But I'm not sure that it will
20 require that at all. They may work out something different.
21 But I will leave that to defense counsel to check.

22 Is there anything else before I advise the defendant
23 of his right of appeal? Is there anything else that either
24 counsel needs to raise?

25 Anything from the government?

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1 MS. SIPPERLY: No, your Honor.

2 THE COURT: Anything from the defense?

3 MR. WEDDLE: No, your Honor.

4 THE COURT: So, Mr. Robson, you have a right to appeal
5 this sentence.

6 Do you understand that?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: And if you can't afford counsel for any
9 such appeal, the court will appoint one for you free of charge.

10 Do you understand that?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: Very good. Thanks very much.

13 THE DEPUTY CLERK: Counts to be dismissed?

14 MS. SIPPERLY: Counts 2 through 10 and 12 through 15.

15 THE COURT: Those will be dismissed.

16 MS. SIPPERLY: And that's the original indictment.

17 THE COURT: All open matters, all open counts are
18 dismissed.

19 MS. SIPPERLY: Much appreciated.

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